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RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 98-170

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

a. Rather than providing a new definition of “telecommunications provider” in s. PSC 179.02 (6), sub. (6) could cross-reference the definition of “telecommunications provider” in s. 196.01 (8p), Stats.

b. To avoid any ambiguity in the meaning of a list and to facilitate future amending of the list, the preferred drafting style is to indicate in the introduction to the list whether the elements of the list are inclusive or exclusive, i.e., whether all of the items or any of the items in the list satisfy the condition in the list’s introduction, and to end each element with a period. To assure the clarity of the list following s. PSC 179.03 (intro.), in s. PSC 179.03 (intro.), “all of” should be inserted after “least” and s. PSC 179.03 (1) and (2) should end with a period. Similarly, in s. PSC 179.03 (3) (intro.), “does any of the following” should be inserted after “agreement” and s. PSC 179.03 (3) (a) to (e) should end with a period.

4. Adequacy of References to Related Statutes, Rules and Forms

a. The analysis accompanying the rule contains a list of statutes providing statutory authority for the rule. In this list, s. 196.199 (2), Stats., should be s. 196.199 (2) (c), Stats.

b. The reference in s. PSC 179.03 (intro.) under which the commission makes a determination on the effects of an alleged failure to comply with an interconnection agreement should be s. 196.199 (3) (a) 1g. rather than s. 196.199 (3) (a), Stats.

5. Clarity, Grammar, Punctuation and Use of Plain Language

The commission should review s. PSC 179.03 (intro.) to ensure that the procedure referred to in this introduction reflects the statutory process under which the commission makes a determination on whether a party's alleged failure to comply with an interconnection agreement has the specified significant adverse effect. In particular, s. PSC 179.03 (intro.) refers to the commission making a determination under s. 196.26 (1) (a) 3., Stats., when subd. 3. does not call for any determination by the commission.